IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 28639 of 2007(H)

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PETITIONER:

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T.VIJAYALAKSHMI,
THAZHE PADINJARE HOUSE,
A.K.G.NAGAR, ATTARANJI,
ULICKAL P.O., IRITTY,
KANNUR DISTRICT.

BY ADV. SRI.JOSE ABRAHAM
SRI.P.T.JINS

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KANNUR, CIVIL STATION, KANNUR.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, IRITTY,
KANNUR DISTRICT.

3. THE SECRETARY,
THE KERALA STATE ELECTRICITY BOARD,
VYDUTHIBHAVAN, PATTOM,
THIRUVANANTHAPURAM.

4. SRI.BALAN, ELATTIL HOUSE,
A.K.G.NAGAR, ATTARANJI,
ULICKAL P.O., IRITTY,
KANNUR DISTRICT.

5. SRI. RAMANKUTTY,
KALARIKKAL HOUSE, A.K.G.NAGAR,
ATTARANJI, ULICKAL P.O., IRITTY,
KANNUR DISTRICT.

R1 BY G.P. SMT.SMITHA SUKUMARAN
R2&3 BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF COMPLAINT FILED BY PETITIONER BEFORE R1.16

P2: TRUE COPY OF PETITION FILED BY R2 BEFORE R1 SEEKING REMOVAL OBSTRUCTION FROM RESPONDENTS 4&5 IN GIVING SERVICE CONNECTION TO THE PETITIONER.

P3: TRUE COPY OF ORDER DT.20.2.2007 PASSED BY R1 IN FILE NO.A6.3656/06.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.28639 of 2007

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Dated this the 6th day of December, 2007.

JUDGMENT

W.P. is filed for direction to the KSEB to give electric connection to petitioner's residential house. The petitioner applied for electric connection five years back and even now connection is not given only on account of objection raised by neighbouring land owners, respondents 4 and 5. Standing Counsel submitted that even though KSEB proposed weatherproof cable over the properties of respondents 4 and 5, the District Collector considered their objections and suggested drawal of line in another route so that others in the area also will get connection. Standing Counsel submitted that others in the area have not applied for connection and therefore, KSEB has not drawn the overhead line. Even though Ext.P3 order of the Collector is under challenge, I do not think this court should interfere with the said order because the Collector is free to take into account requirement of others in the area. However, the Collector committed an error in not ordering connection to the petitioner through weatherproof cable over the properties of respondents 4 and 5 until alternate line is drawn and connection given to the petitioner from such line. Since weatherproof line

is benign insulated cable, respondents 4 and 5 cannot have any serious objection in retaining the line for a short period i.e. until drawal of line in terms of Collector's order. Even though notices were served on respondents 4 and 5, they have not appeared or raised any objection. I do not think the matter should be held up any longer and therefore, I dispose of the W.P. with direction to the second respondent to give connection to the petitioner through weatherproof cable in terms of the original proposal i.e.with weatherproof cable over the properties of respondents 4 and 5 without any delay. As far as possible line should be drawn over the extreme boundaries of properties of respondents 4 and 5 providing sufficient clearance from the ground and causing least inconvenience to them. There will be a further direction to the second respondent to draw the line in terms of the Collector's order and give regular connection to the petitioner within six months from now. Probably others in the area have not applied for connection so far because there is no line available in the area and they will not be able to meet the additional cost for drawing the line. Therefore, it is for the KSEB to take into account the requirements of people in the area and draw the line in advance to enable them to apply and get connection. The

petitioner will produce copy of this judgment before the second respondent for compliance.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms